

AMENDED IN SENATE MAY 24, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 787**

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**Introduced by Assembly Member DeVore**  
**(Coauthors: Assembly Members Cogdill, Garcia, ~~La Suer~~, Huff,**  
***La Suer, Plescia, and Sharon Runner*)**

February 18, 2005

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An act to add Section 538h to the Penal Code, relating to crime.

### LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, DeVore. Veterans: impersonating a veteran: crime.

Existing law provides that any person is guilty of a misdemeanor if he or she willfully wears, exhibits, or uses, as provided, the authorized badge, photographic identification card, or insignia of, among other persons, a peace officer, an officer or member of a fire department, or a deputy state fire marshal, with the intent of fraudulently personating a peace officer, an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he or she is a peace officer, an officer or member of a fire department or the Office of the State Fire Marshal.

This bill would additionally provide that any person who willfully wears, exhibits, or uses, as provided, the authorized badge, photographic identification card, insignia, award, or decoration of, or willfully presents himself or herself as, a veteran or an active duty or reserve member of the Armed Forces of the United States, the National Guard, the State Military Reserve, or the Naval Militia, with the intent of fraudulently personating an active or retired veteran of

the Armed Forces of the United States, or of fraudulently inducing the belief that he or she is a veteran or an active duty or reserve member of the Armed Forces of the United States, the National Guard, the State Military Reserve, or the Naval Militia, *or* with the intent to defraud for the purpose of personal gain or to facilitate any unlawful activity, is guilty of misdemeanor.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 538h is added to the Penal Code, to  
2 read:

3 538h. (a) Any person who willfully wears, exhibits, or uses  
4 the authorized badge, photographic identification card, insignia,  
5 award, or decoration of, or who willfully presents himself or  
6 herself as, a veteran or an active duty or reserve member of the  
7 Armed Forces of the United States, the National Guard, the State  
8 Military Reserve, or the Naval Militia, with the intent of  
9 fraudulently personating a veteran or active duty or reserve  
10 member of the Armed Forces of the United States, the National  
11 Guard, the State Military Reserve, or the Naval Militia, or of  
12 fraudulently inducing the belief that he or she is a veteran or an  
13 active duty or reserve member of the Armed Forces of the United  
14 States, the National Guard, the State Military Reserve, or the  
15 Naval Militia, *or* with the intent to defraud for the purpose of  
16 personal gain or to facilitate any unlawful activity, shall be guilty  
17 of a misdemeanor.

18 SEC. 2. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the  
2 penalty for a crime or infraction, within the meaning of Section  
3 17556 of the Government Code, or changes the definition of a  
4 crime within the meaning of Section 6 of Article XIII B of the  
5 California Constitution.

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